

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID M. SHILALA,)	
)	
Plaintiff,)	Case No. 1:11-cv-170-SJM-SPB
)	
v.)	
)	
SCI ALBION, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on August 11, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on June 21, 2012 [22], recommends that the instant civil rights action be dismissed for Plaintiff's failure to prosecute or, alternatively, that the motions to dismiss filed by Defendant SCI-Albion [19] and Defendant Prison Healthcare Service [9] be granted. Plaintiff was allowed fourteen (14) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at his address of record. No objections to the Report and Recommendation have been filed to date. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 11th Day of July, 2012;

IT IS ORDERED that the motions to dismiss filed by Defendant SCI-Albion [19] and Defendant Prison Healthcare Service [9] shall be, and hereby are, GRANTED.

Based on the reasons set forth in the aforesaid motions as well as Plaintiff's failure to prosecute, IT IS FURTHER ORDERED that this civil action shall be DISMISSED and the case marked "CLOSED."

The Report and Recommendation of Magistrate Judge Baxter, filed on June 21, 2012 [22], is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter